

2001



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

September 10, 1990

Ronald E. Lambertson  
Regional Director  
U.S. Fish and Wildlife Service  
One Gateway Center, Suite 700  
Newton Corner, Massachusetts 02158

Dear Mr. Lambertson:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, we have reviewed the U.S. Fish and Wildlife Service's (USFWS) Final Environmental Impact Statement (FEIS) for the proposed sea lamprey control program in Lake Champlain.

We appreciate the effort made by the USFWS to address some of the concerns raised in EPA's November 30, 1990 comments on the DEIS for this project. In particular, the FEIS includes a more detailed discussion of the potential growth-inducing effects caused by the enhancement of the salmon sportfishery in Lake Champlain. The FEIS also provides further discussion of the efforts by state and local health officials in New York and Vermont to assess the potential human health concerns and to minimize public exposure to the lampricides, TFM and Bayer 73.

While the expanded treatment of these issues has provided useful information and in some cases improved the analysis for this proposed project, we believe that other significant concerns remain inadequately addressed in the FEIS. These concerns include the lack of established tolerance levels for the lampricides proposed for use; a thorough evaluation of alternatives to the proposed action; and a complete evaluation of cumulative impacts.

Proposed Use of TFM and Bayer 73

There are four potential routes of dietary exposure for the proposed applications of TFM and Bayer 73: 1) consumption of treated water by humans; 2) consumption of treated water by livestock; 3) consumption of fish taken from treated water; 4) irrigation of crops with treated water.

Though the FEIS acknowledges these exposure routes, it gives minimal treatment to the dietary exposure issues, providing limited residue data and no analytical method and detailed experimental information. Although the USFWS proposes certain restrictions for the application of the lampricides, there still appears to be the potential for dietary exposure from the proposed use of TFM and Bayer 73.





This potential exposure is of concern because, as EPA stated in its comments of the DEIS and as the FEIS acknowledges, there is presently no tolerance level established for either TFM or Bayer 73 for any food or feed commodity. Though, in practice, lampricide application may proceed without the establishment of a tolerance level, any detected residues would result in the need to provide the public with alternative drinking water supplies, whether requested or not. Unless monitoring of drinking water intakes and nearby wells is done and unless the provision of alternative supplies is assured (the analysis indicates alternative water will be supplied only if requested), proceeding with the proposed chemical application without the benefit of established tolerance levels would be to expose humans to a pesticide of unknown hazard.

Both TFM and Bayer 73 are pesticides that are part of EPA's accelerated reregistration process. Under Phase II of this process, EPA has informed the registrants of these chemicals that it considers these pesticides, as currently used, to be aquatic food uses. As such, EPA will be requiring additional testing, including data to establish acceptable residue levels in meat, milk, fish, and drinking water. In order to remain on the market, the registrants will have to provide the supporting data on a regular timetable mandated by the accelerated reregistration process and that is consistent with all other chemicals undergoing the process.

#### Project Purpose and Alternatives Analysis

The range of alternatives considered in an EIS is determined in large part by the stated purpose for the project, the intent being to publicly disclose all the reasonable options, including the least environmentally damaging option, that could satisfy that purpose.

The stated purpose for this project, which has not changed in the FEIS, is to initiate a lamprey control program, the goal being to "reduce the sea lamprey population in Lake Champlain" and to formulate a "long-range policy and management strategy to minimize the adverse effects of sea lamprey in Lake Champlain (response to EPA's 11-30-89 comments, p. N-14, FEIS).

In our comments on the DEIS, EPA expressed a concern that, given the stated project purpose, the range of alternatives presented for review was unreasonably narrow in that each alternative focused on meeting a sportfishery quota rather than meeting the stated purpose. Given these concerns, we requested the USFWS to consider whether an alternative that manages the resource for its indigenous fish population would result in a gradual reduction in the lamprey population. This would require that the FEIS examine the environmental consequences of its own salmonid stocking program on the resources of Lake Champlain.

We appreciate and acknowledge the direct response given by the USFWS to this request, evidenced in its response to EPA's comments



on the DEIS and by the inclusion of Alternative 4 - Terminate Salmonid Stocking: Do Not Control Sea Lamprey. In addition to the somewhat misleading title, we regret, however, that the analysis in the FEIS did not discuss this alternative in the level of detail needed for a complete review and adequate public disclosure or to satisfy CEQ regulations and guidelines. CEQ regulations state that an EIS shall "rigorously explore and objectively evaluate all reasonable alternatives," and "devote substantial treatment to each alternative considered in detail so that reviewers may evaluate their comparative merits" (40 CFR, Sec. 1502.14(a) and (b)).

The scant attention paid to this alternative in our view does not adequately address the long-term effects of discontinuing the stocking of salmon to the Lake. While in the short-term it may be that lamprey will prey upon other species and that its numbers may not decline by much while other stocks become more depressed, the FEIS does not even begin to consider anything beyond the near term. At a minimum, the analysis should have considered whether in the long term there may be a gradual decline of lamprey, the "goal" of the project, without the need to introduce lampricides to the Lake system.

#### Cumulative Impacts

The FEIS includes an expanded discussion of secondary growth impacts that is responsive to the concerns expressed in our comments on the DEIS. The analysis includes a discussion of the likely increases in anglers, the estimated salmonid harvest, projected population increases, growth impacts, the competition for fishing, parking, and boat launches, recognizes potential trespass problems, conflicts with landowners, and expands its economic impact study to address infrastructure impacts. The analysis also recognizes the necessity for local land-use control to adequately treat potential problems caused by these growth impacts. Based on this new analysis, the USFWS appears to have changed its earlier position in the DEIS, concluding that the proposed program will not result in significant adverse secondary growth impacts.

While the expanded discussion on secondary growth improved the analysis and was useful to a better understanding of potential project impacts, we are also concerned about the water quality of Lake Champlain from a cumulative impact standpoint. Though other sources of information (e.g., Congressional hearings, newspaper articles, academic research) indicate that the water quality of Lake Champlain is stressed from multiple, poorly identified and managed sources, the FEIS provides no information to adequately assess the Lake's present condition or potential future condition from a water quality standpoint as a result of the proposed project.

Thank you for this opportunity to comment on the proposed Lamprey Control Program in Lake Champlain. Should this project be implemented, EPA would appreciate being provided with the following information: 1) results of the lampricide application, 2)

information on unforeseen adverse affects, and 3) updates on the monitoring program.

Please feel free to call me or Patience Whitten of my office (ph. 617/565-3422 and 617/565-3413, respectively) if you have any questions or wish to discuss these comments.

Sincerely,



Elizabeth Higgins Congram,  
Assistant Director for Environmental Review  
Office of Government Relations  
and Environmental Review



## POLICY AND PROCEDURES

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SUMMARY OF RATING DEFINITIONS  
AND FOLLOW-UP ACTION\*Environmental Impact of the Action

## LO--Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

## EC--Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

## EO--Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

## EU--Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

## Category 1--Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

## Category 2--Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

## Category 3--Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 109 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.